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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,988	01/20/2006	Frank Hofmann	HOFMANN-5	9572
20151 7590 05/14/2008 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			EXAMINER SINGH, SUNIL	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 05/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,988

Applicant(s)

HOFMANN, FRANK

Examiner

Sunil Singh

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/4/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,4,6,7,8,9,10,11,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. '256 in view of St. Onge '669.

Hahn et al. discloses first and second sewer pipes (2), each including partial pipe shells (see Figs. 1-5, 7-8, 12-17), first connecting means connecting the partial pipe shells firmly to one another (see col. 3 lines 5-10, 55-65, col. 7 lines 55-65, see Figs. 1-5, 7-8, 12-17). Latch/recess (see Figs. 1-5, 7-8, 12-17, in particular Fig. 14). Seal between partial pipe shells (see col. 3 lines 5-10, 55-65, col. 7 lines 55-65). Plastic (see col. 7 lines 55-65). Hahn et al. discloses the invention substantially as claimed. However, Hahn et al. is silent about including connecting means for transmitting a tensile force when the sewer pipes are attached longitudinally to one another and drawn horizontally into the ground by a device and a seal arranged between the first and second sewer pipes. St. Onge '669 teaches connecting means (see Figs. 6,7) for transmitting a tensile force when the sewer pipes are attached longitudinally to one another and drawn horizontally into the ground by a device (see Fig. 10) and a seal (78) arranged between the first and second sewer pipes. It would have been considered obvious to one of ordinary skill in the art to modify Hahn et al. to include the "second" connecting means

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and seal as taught by St. Onge '669 in order to reduce leakage between the first and second pipes.

With regards to claim 11, it would have been considered obvious to modify Hahn et al. by reinforcing the plastic pipe via glass fibers in order to provide a pipe that would not buckle easily.

3. Claims 2,3,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al. in view of St. Onge as applied to claim 1 above, and further in view of either Knox et al. or Sullivan or Swisher or Ahn et al. or Petrovic or Fisher or Tyrer et al. (US 4286640, 4826215, 5531695, 6227251, 6311734, 6916051, 7100641) or Dennehey et al. (US 4340052).

Hahn et al. (once modified) discloses the invention substantially as claimed. However, the (once modified) Hahn et al. is silent about the pipe shells being connected via a hinge. Knox et al., Sullivan, Swisher, Ahn et al., Petrovic, Fisher, Tyrer et al. and Dennehey et al. all disclose a pipe comprising partial pipe shells being connected via a hinge (see Figs. 1-2, 2, 4, 3, 1c, 3, 2, 3-4). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Hahn et al. to include the hinge as taught by either Knox et al. or Sullivan or Swisher or Ahn et al. or Petrovic or Fisher or Tyrer et al. or Dennehey et al. in order to reduce time involved in attaching the partial pipe shells together.

4. Claims 12,13,16, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP document '583 in view of St. Onge.

EP document '583 discloses a method for laying a sewer pipe (22,24) comprising the steps of connecting an end of a first sewer (24) to a boring device (21,22,20) and/or second sewer pipe and drawing the sewer pipe into the ground by means of the boring device (see Figs. 5, 6,7,10,11). EP document discloses the invention substantially as claimed. However, EP document lacks a connection means between the first sewer and the boring device and/or the second sewer pipe that enable a transmission of tensile forces and a seal between first and second sewer pipes. St. Onge teaches connecting means (see Figs. 6,7) between sewer pipes and/or a device (see Fig. 10) for transmitting a tensile force when connected and a seal (78) arranged between the first and second sewer pipes. It would have been considered obvious to one of ordinary skill in the art to modify EP document to include the connecting means and seal as taught by St. Onge '669 in order to reduce leakage between the connected sections.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP document in view of St. Onge as applied to claim 12 above, and further in view of Hahn et al..

EP document (once modified) discloses the invention substantially as claimed.

However, the (once modified) EP document lack sewer pipe assembled from partial pipe shells. Hahn et al. teaches partial pipe shells (see Figs. 1-5, 7-8, 12-17). It would have been considered obvious to one of ordinary skill in the art to further modify (the

once modified) EP document to assemble the sewer pipe via partial pipe shells as taught by Hahn et al. in order to have to avoid interrupting the supply lines.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP document in view of St. Onge as applied to claim 16 above, and further in view of either Knox et al. or Sullivan or Swisher or Ahn et al. or Petrovic or Fisher or Tyrer et al. (US 4286640, 4826215, 5531695, 6227251, 6311734, 6916051, 7100641) or Dennehey et al. (US 4340052).

EP document. (once modified) discloses the invention substantially as claimed.

However, the (once modified) EP document is silent about the pipe being formed as partial pipe shells which are connected together via a hinge. Knox et al., Sullivan, Swisher, Ahn et al., Petrovic, Fisher, Tyrer et al. and Dennehey et al. all disclose a pipe comprising partial pipe shells being connected via a hinge (see Figs. 1-2, 2, 4, 3, 1c, 3, 2, 3-4). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) EP document to include the partial pipe shells which are connected together via a hinge taught by either Knox et al. or Sullivan or Swisher or Ahn et al. or Petrovic or Fisher or Tyrer et al. or Dennehey et al. in order to have to avoid interrupting the supply lines.

Response to Arguments

7. Applicant's arguments with respect to claims 1,12,16,20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

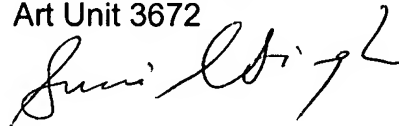
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sunil Singh
Primary Examiner
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SS



5/5/08